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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,920	09/04/2001	Edward F. Gerstenkorn	WSB01-214	2248

7590 08/21/2002
William S. Bernheim
255 N. Lincoln St.
Dixon, CA 95620

EXAMINER

GALL, LLOYD A

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 08/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,920

Applicant(s)

GERSTENKORN, EDWARD F.

Examiner

Lloyd A. Gall

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

The disclosure is objected to because of the following informalities: The Abstract should be within the range of 50 to 150 words in length. On page 10, line 12, "49" should read -41--. On page 10, line 23, "doors" should read -door--. On page 11, line 1, "52" should read -49--.

Appropriate correction is required.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "linkage means" and "linkages" of page 13, lines 8 and 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claims 8 and 17 are objected to because of the following informalities: In claim 8, line 2, "plan" should read -plane--. In claim 17, line 2, "form" should read -from--.

Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 6-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

On page 13, line 11, "and to each side door to the other" is confusing, and there is no antecedent basis for a "side" door. On page 13, line 25 and page 14, line 3, "at least one" and "apparatuses" is indefinite.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mech in view of Kasper and Hintz.

Mech teaches a storage safe capable of supporting firearms and other objects on display hooks 60, 66 on the fixed back plate 54 and on a door 16a as seen in fig. 1, a second door 14a, top, bottom and side plates 20, 30, 24, and hinges. In figs. 15 and 16, Kasper teaches that L-shaped doors 75 hinged to a partial side plate are well known in the storage safe environment. Hintz teaches locks and linkages on double doors of a safe. To modify the safe of Mech such that the doors are L-shaped and hinged to partial side plates, would have been obvious in view of the teaching of Kasper, since other well known door types would function just as well in the cabinet of Mech. To modify the cabinet of Mech to include locking bolts and linkages, would have been obvious in view of the teaching of Hintz, to optimize security of the cabinet.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Mech reference as applied to claim 1 above, and further in view of Truhon.

Truhon teaches that metal used with a bolt 60 is well known. To modify the bolts of the modified Mech reference to include metal, would have been obvious in view of the teaching of Truhon, to optimize their strength.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Mech reference as applied to claim 1 above, and further in view of Schmitz.

Schmitz teaches that fire resistant materials and seals (y) are well known in the safe environment. To utilize fire resistant materials and seals in the modified safe of Mech would have been obvious in view of the teaching of Schmitz, to protect the contents from fire damage.

Claims 6, 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mech in view of Rice et al.

It is first noted that the last two lines of page 13 are regarded as positively claiming a firearm with the safe. Mech has been discussed above. The Abstract of Rice et al teaches that mounting apparatus in a cabinet for receiving firearms is well known. To modify the safe of Mech to include mounting apparatus for a firearm, would have been obvious in view of the teaching of Rice et al, to store firearms when not in use.

Claims 7, 8, 10-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Mech reference as applied to claims 6 and 14 above, and further in view of Kasper.

Kasper has been discussed above. To modify the cabinet of Mech to include L-shaped doors and partial side plates, would have been obvious in view of the teaching of

Kasper, since other well known door types would function just as well in the cabinet of Mech.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Mech reference as applied to claim 15 above, and further in view of Dick et al.

Dick et al teaches heavy steel used in a safe. To utilize heavy steel with the safe of Mech would have been obvious in view of the teaching of Dick et al, to optimize the protection of the contents thereof.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 703-308-0828. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

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LG LG

August 15, 2002

Lloyd A. Gall
Lloyd A. Gall
Primary Examiner